

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Methods to Target and Eliminate)	CG Docket No. 17-59
Unlawful Robocalls)	

COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA)¹ hereby submits comments responding to the Notice of Proposed Rulemaking and Notice of Inquiry (“*Notice*”) in the above-captioned proceeding.² The industry appreciates the Commission’s continued support of industry-led efforts to address the robocalls problem.

INTRODUCTION

Despite current legal protections, “consumers still receive an unacceptably high volume of illegal robocalls.”³ Every month consumers receive an estimated 2.4 billion robocalls.⁴ The Commission reports that it receives more robocall complaints than any other category of complaints from consumers.⁵

The cable industry is committed to collaborating with the Commission, industry groups, and consumer advocates to identify potential solutions. NCTA’s three largest member

¹ NCTA is the principal trade association for the U.S. cable industry, representing cable operators serving 85 percent of the nation’s cable television households and more than 200 cable program networks. The cable industry is the nation’s largest provider of broadband service after investing more than \$250 billion over the last two decades to build two-way interactive networks with fiber optic technology. Cable companies also provide state-of-the-art competitive voice service to more than 30 million customers.

² *See In re Advanced Methods to Target and Eliminate Unlawful Robocalls*, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd 2306 (2017) (“*Notice*”).

³ *Id.* ¶ 6.

⁴ *Id.* at Statement of Chairman Ajit Pai.

⁵ *Id.*

companies actively participated in the Robocalls Strike Force convened last year to “collaborate on creative solutions to this ever changing problem.”⁶ These companies also are involved in several additional efforts to combat the problem, including projects by the Alliance for Telecommunications and Industry Solutions (“ATIS”) to address caller ID spoofing and robocalling; the SIP Forum, which, together with ATIS, has developed the SHAKEN and STIR frameworks to fight caller ID spoofing and robocalls; and USTelecom’s Industry Traceback Group, which works to identify and share information about malicious calling events.

In addition, many of our member companies provide information online to educate their customers on products and resources to help protect them from unwanted calls.⁷ For example, some cable operators offer Nomorobo, a cloud-based service that hangs up on or blocks illegal robocaller or telemarketer calls.⁸ Likewise, NCTA provides information about preventing robocalls online, including a dedicated webpage linking to the Commission’s robocalls portal.⁹ NCTA also serves on the Robocalls Working Group of the Commission’s Consumer Advisory Committee.

Historically the Commission has strongly discouraged telecommunications providers from blocking calls, a policy that robocallers have capitalized on over the years. As the *Notice*

⁶ See Robocall Strike Force, *Robocall Strike Force Report* at 1 (Oct. 26, 2016), available at <https://transition.fcc.gov/cgb/Robocall-Strike-Force-Final-Report.pdf>.

⁷ See, e.g., Comcast, *How to Stop Unsolicited Robocalls to Your Home*, at <https://www.xfinity.com/support/phone/nomorobo/> (last visited June 21, 2017); Charter Communications, *Nomorobo: Block Telemarketers and Robo-Callers*, at <http://www.spectrum.net/support/voice/block-robocallers/> (last visited June 21, 2017).

⁸ See, e.g., Jeff Baumgartner, *Charter Expands Reach of Robocall Blocker*, Multichannel News, Nov. 10, 2016 (“Nomorobo is one of the many ways we continue to enhance customers’ home phone experience with unmatched reliability and service in addition to a wide range of popular advanced phone features available at no extra cost.”), available at <http://www.multichannel.com/news/distribution/charter-expand-reach-robocall-blocker/408993>; see also Nomorobo, *Nomorobo for Landlines*, at <http://www.nomorobo.com/signup> (last visited June 21, 2017).

⁹ See NCTA, *Preventing Robocalls*, at <https://www.ncta.com/positions/preventing-robocalls> (last visited June 21, 2017).

recognizes, a shift in this policy is necessary to protect consumers.¹⁰ NCTA supports the Commission’s recognition that blocking of calls in defined circumstances can be part of the solution to the robocalls problem. Below we address some of the specific blocking proposals put forward in the *Notice*.

I. THE COMMISSION SHOULD PERMIT CALL BLOCKING IN SPECIFIC SITUATIONS IDENTIFIED IN THE NOTICE

The cable industry strongly supports the Commission’s proposal to authorize providers to voluntarily block calls from certain categories of numbers. In particular, the Commission should codify its prior clarification that providers “may block calls when the subscriber to a particular telephone number requests that calls originating from that number be blocked.”¹¹ As the *Notice* explains, such calls are “presumptively spoofed” and “have the potential to cause harm both to the called party and to the subscriber who uses the number.”¹² Moreover, the blocking of such calls will benefit the called party and has little potential to inflict harm.

In addition, the Commission should allow “provider-initiated blocking of calls purportedly originating from numbers that are not valid under [the North American Numbering Plan].”¹³ As described in the *Notice*, such calls would include numbers that: (1) use an unassigned area code; (2) use an N11 code in place of an area code; (3) do not contain the requisite number of digits; or (4) are a single digit repeated.¹⁴ Calls from such numbers are never valid and therefore blocking should be welcomed by consumers. Moreover, permitting such

¹⁰ *Notice* ¶ 10 (“The Commission therefore must balance competing policy considerations – some favoring blocking and others disfavoring blocking – to arrive at an effective solution that maximizes consumer protection and network reliability.”).

¹¹ *Id.* ¶¶ 11, 14-15; see also FCC, Public Notice, *Consumer and Governmental Affairs Bureau Clarification on Blocking Unwanted Robocalls*, 31 FCC Rcd 10961 (CGB 2016).

¹² *Notice* ¶ 14.

¹³ *Id.* ¶ 17.

¹⁴ *Id.*

calls to be blocked would not require information sharing among providers or other entities and therefore should be feasible for providers to implement on a voluntary basis.

As contemplated in the *Notice*, consumer opt-in for blocking in the scenarios described above is unnecessary and should not be required.¹⁵ Such a task would not be technically feasible for many providers, and would not make sense in any event given that “no reasonable consumer would want to receive these calls.”¹⁶

As the Robocalls Strike Force requested, the *Notice* includes additional proposed rule changes that will bolster pro-consumer voluntary blocking activity by providers. For example, the Commission should allow providers to exclude certain voluntarily blocked calls in calculating call completion rates.¹⁷ Such action would provide regulatory support that will incentivize carriers to participate in voluntary blocking when appropriate and consistent with the rules.

II. FURTHER STUDY BY INDUSTRY AND THE COMMISSION IS NEEDED BEFORE PERMITTING MORE EXPANSIVE CALL BLOCKING

The Commission should proceed carefully beyond the defined scenarios describe above. At a high level, NCTA supports the general direction of the Commission’s effort to define objective standards that could be used in determining when call blocking is appropriate and developing a safe harbor to shield providers from liability for actions that are intended to benefit consumers. Similarly, it will be essential for the Commission to include protections for legitimate callers as part of any new rules.

¹⁵ See *Notice* ¶ 25.

¹⁶ *Id.*

¹⁷ *Id.* ¶ 26.

At the same time, some of the proposed rules in the *Notice* are potentially problematic for providers and consumers alike if not carefully and deliberately implemented. For example, the Commission's proposal allowing providers to voluntarily block unallocated and unassigned calls could unintentionally result in harm to consumers and should not be adopted at this time.¹⁸ Implementation of these proposals would be premature given that there is no standard mechanism for information about unallocated and unassigned numbers to be shared amongst providers in an effective and practical manner, or even amongst databases within a particular voice provider's system. Moreover, lists of such numbers could rapidly lose any usefulness if bad actors were able to gain access to them and avoid use of those particular numbers for spoofing.

More broadly, many of the proposals in the *Notice* still require significant input from industry experts before they will be ready for consideration by the Commission. Before permitting blocking for any particular category of calls, it will be necessary to confirm that the particular type of call is always an illegal robocall and to develop a method by which providers can reliably and consistently distinguish such calls from legitimate calls. In many situations, it also will be necessary to develop mechanisms by which communications providers can share information across all other participating providers. Beyond the limited scenarios described in the previous section, the proposals in the *Notice* do not satisfy these criteria and still require additional work. Accordingly, the Commission should continue to provide support for industry efforts to address these issues, but it should not consider additional rules at this time.

¹⁸ See *Notice* ¶¶ 19-23.

CONCLUSION

For the reasons explained above, the Commission should move forward with rules that permit blocking of calls in certain clearly defined scenarios. Beyond that, the Commission should continue to give broad support and wide latitude to industry-led efforts to address the robocalls problem.

Respectfully submitted,

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